REMARKS

For the reasons set forth in detail below, applicant submits that the present application, including each of the pending claims is in condition for allowance. In the non-final Office Action mailed on October 4, 2005, the Examiner rejected claims 1-46. In particular, the Examiner rejected:

claims 1-2, 11-15, 21-24, 26, 33-38, an 44-46 under 35 U.S.C. § 102(b); and

independent claims 3-10, 16-20, 25, 27-32, and 39-43 under 35 U.S.C. § 103(a).

In this response specification is amended and claims 1-46 are pending.

Amendment of Specification

While the Examiner has not objected to the Specification, the undersigned has amended the "CROSS-REFERENCE TO RELATED APPLICATION(s)" section of the Specification starting from page 1 through page 3 and has added the Application Serial Numbers and/or Patent Numbers of the references. No new matter has been added by this amendment.

Rejection Under 35 U.S.C. § 102(b) of Claims 1-2, 11-15, 21-24, 26, 33-38, an 44-46

In the Office Action claims 1-2, 11-15, 21-24, 26, 33-38, an 44-46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Olnowick et al. (US Pat. No. 5,680,402). The rejected claims include independent claims 1, 14, 24 and 36, regarding every one of which the Office Action refers to Olnowick's abstract, figure 1, column 20 lines 10-12, and column 21 lines 21-39 and 44-67.

Independent claims 1, 14, 24, and 36, *inter alia*, are directed to a switch that receives data indicating a new connection through the switch but which is in conflict with an existing connection, wherein the new and existing connections may have the same or different priorities.

On the other hand, Olnowick discloses solutions to two types of deadlocks in a network. Type-1 deadlock occurs when at least two nodes try to simultaneously multi-cast through multiple output ports of a switch (col. 19, lines 26-51). And Type-2 deadlock happens between two adjacent stages of a multi-stage network and involves two stages of switching (col. 21, lines 18-43). It should be noted that the Olnowick passages referenced in the Office Action pertain to the Type-2 deadlock.

Neither of the two types of Olnowick's deadlocks is relevant to the problem solved by independent claims 1, 14, 24, and 36 and neither of Olnowick's solutions resembles what the rejected independent claims recite. The problem addressed by claims 1, 14, 24, and 36 and its solution is neither addressed in the sections referenced by the Office Action nor in any other part of Olnowick including its figures.

For a claim to be rejected based on anticipation under 35 U.S.C. §102(a), (b), and (e), MPEP 2131 requires that: "the reference must teach every element of the claim." As elaborated above, Olnowick does not teach, suggest, or even imply what is recited in claims 1, 14, 24, or 36 and, therefore, a *prima facie* case of anticipation under Section 102 has not been established with respect to these claims and, therefore, the undersigned requests the withdrawal of the Section 102 rejection of these claims.

Claims 2, 11-13, 15, 21-23, 26, 33-35, 37-38, and 44-46 depend from independent claims 1, 14, 24, or 36 and accordingly include the features of these independent claims. For reasons discussed above and for the additional features of these claims a *prima facie* case of anticipation under Section 102 has not been

established with respect to these dependent claims and accordingly the undersigned requests their allowance.

Rejection Under 35 U.S.C. § 103(a) of Claims 3-10, 16-20, 25, 27-32, and 39-43

The Examiner rejected dependent claims 3 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Olnowick et al. (US Pat. No. 5,680,402) in view of Srinivasan et al. (US Pat. No. 6,304,549).

The Examiner rejected dependent claims 4-5, 16-17, 27-28, and 39-40 under 35 U.S.C. § 103(a) as being unpatentable over Olnowick et al. (US Pat. No. 5,680,402) in view of Yasuda et al. (US Pat. No. 5,892,923).

The Examiner rejected dependent claims 6-8, 18, 29-30, and 41 under 35 U.S.C. § 103(a) as being unpatentable over Olnowick et al. (US Pat. No. 5,680,402) in view of Ogimoto et al. (US Pat. No. 6,032,205).

The Examiner also rejected dependent claims 9-10, 19-20, 31-32, and 42-43 under 35 U.S.C. § 103(a) as being unpatentable over Olnowick et al. (US Pat. No. 5,680,402) in view of Latif et al. (US Pat. No. 6,400,730).

A *prima facie* case of obviousness under 35 U.S.C. § 103 requires, *inter alia*, a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings (MPEP 2142). However, as described above, the main reference, Olnowick, does not disclose the elements of the rejected claims alleged and therefore cannot established, either alone or with other references, a *prima facie* case of obviousness under 35 U.S.C. § 103. Accordingly, the undersigned requests the withdrawal of Section 103 rejection of claims 3-10, 16-20, 25, 27-32, and 39-43.

Additionally, claims 3-10, 16-20, 25, 27-32, and 39-43 depend from the above mentioned allowable claims 1, 14, 24, and 36 and accordingly include the features of these independent claims. Therefore, the undersigned requests their allowance.

Conclusion

In view of the foregoing, all of the claims pending in the application are in condition for allowance and, therefore, a Notice of Allowance is respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-6488.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 030048029US from which the undersigned is authorized to draw.

Dated: _____12/1/05_____

Respectfully submitted,

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